

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JOSE YBARRA DOMINGUEZ, #833815           §  
VS.   §                   CIVIL ACTION NO. 6:04cv245  
KEVIN MOORE, ET AL.                               §

O R D E R

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation for the disposition of the lawsuit. The Plaintiff has filed a motion for an extension of time to file objections, along with objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the motion for an extension of time to file objections (docket entry #107) is **GRANTED**. It is further

**ORDERED** that the Plaintiff's claims against Defendants Officer Brown, Officer Calhoun, Officer Gray, Lt. J. Jackson, Officer Lambright, Officer Randell, Officer Randle and Officer Tolliver are **DISMISSED** without prejudice.

The Plaintiff is placed on notice that the Defendants that will be a part of this lawsuit are limited to those that have been properly identified and answered. Such Defendants are Warden Kevin Moore, Office John Moore, Captain Darrell Deel, Officer Clovis G. Adams, Jr., Officer Kelvin W. Carr, Michael F. Carter, Captain T. Collins, Officer Billy Hart, Officer Cecil Hill, Officer Michael Little, Officer Steven D. Pearson, Officer James F. Rodgers, Officer John Wemple and Officer Douglas W. Whitten, The Plaintiff will not be permitted to add any new Defendants at this late date.

**So ORDERED and SIGNED this 16th day of February, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**